

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IN RE PACIFIC FERTILITY CENTER
LITIGATION

Case No. 18-cv-01586-JSC

**ORDER RE: PROPOSED
CONSOLIDATION ORDER**

Re: Dkt. No. 552

The Court adopts the following portions of the parties' Proposed Consolidation Order:

A. General

1. This Order supersedes the April 30, 2018 consolidation order, which was entered prior to this Court's Order denying Plaintiffs' motion for class certification. (Dkt. No. 17.)

2. Consistent with Rule 42(a) and the Manual for Complex Litigation, Fourth, § 10.123, pretrial and trial proceedings between and among the Actions are consolidated.

3. All papers filed in the consolidated action will continue to be filed under Case No. 3:18- cv-01586-JSC and must use the above caption.

4. The case file for the consolidated action will continue to be maintained under Master File No. 3:18-cv-01586-JSC. When a pleading is intended to apply to all actions to which this Order applies, the words "All Actions" shall appear immediately after the words "This Document Relates To:" in the caption shown above. When a pleading is intended to apply to only specified actions, the docket number for each individual action to which the pleading is intended to apply and the initials of the plaintiffs in that action shall appear immediately after the words "This Document Relates To:" in the caption shown above, for example, "No. 3:20-cv-04961 (A.A.)."

B. Discovery

1. All discovery completed in the consolidated action is deemed produced in the Related Actions.

2. Discovery of Plaintiffs will proceed in two stages: (1) limited initial discovery related to all plaintiffs in the Related Actions needed for categorization and trial selection; and (2) additional necessary and appropriate discovery conducted in phases according to and in compliance with Plaintiffs' respective trial schedules. The scope of discovery will be governed by the Federal Rules of Civil Procedure.

3. Stage 1 will consist of the following initial discovery:

- a. Each Plaintiff in the Related Actions will provide a signed authorization to Chart by September 18, 2020, permitting Chart to obtain the plaintiff's full file from Pacific Fertility Center ("PFC").
- b. Plaintiffs will produce a list of other treating physicians that are potentially relevant to their claims by September 18, 2020.
- c. Plaintiffs will produce all PFC medical records in their possession by September 18, 2020.

The Court will discuss the remaining aspects of the consolidation order and the parties' competing proposals at the Case Management Conference on September 24, 2020 at 1:30 p.m.

IT IS SO ORDERED.

Dated: September 15, 2020


JACQUELINE SCOTT CORLEY
United States Magistrate Judge